

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

<b>WSOU INVESTMENTS, LLC D/B/A BRAZOS LICENSING AND DEVELOPMENT,</b>	§	<b>CIVIL ACTION 6:20-cv-00473-ADA</b>
	§	<b>CIVIL ACTION 6:20-cv-00474-ADA</b>
	§	<b>CIVIL ACTION 6:20-cv-00475-ADA</b>
	§	<b>CIVIL ACTION 6:20-cv-00476-ADA</b>
<b>Plaintiff,</b>	§	<b>CIVIL ACTION 6:20-cv-00477-ADA</b>
	§	<b>CIVIL ACTION 6:20-cv-00478-ADA</b>
<b>v.</b>	§	<b>CIVIL ACTION 6:20-cv-00479-ADA</b>
	§	<b>CIVIL ACTION 6:20-cv-00480-ADA</b>
<b>DELL TECHNOLOGIES INC.,</b>	§	<b>CIVIL ACTION 6:20-cv-00481-ADA</b>
<b>DELL INC., EMC CORPORATION,</b>	§	<b>CIVIL ACTION 6:20-cv-00482-ADA</b>
<b>AND VMWARE, INC.,</b>	§	<b>CIVIL ACTION 6:20-cv-00485-ADA</b>
	§	<b>CIVIL ACTION 6:20-cv-00486-ADA</b>
<b>Defendants.</b>	§	

**PLAINTIFF’S DISCLOSURE OF EXTRINSIC EVIDENCE**

Plaintiff WSOU Investments, LLC d/b/a Brazos License and Development (“WSOU”) submits the following disclosure of extrinsic evidence pursuant to the Order Governing Proceedings (“OGP”) and the Scheduling Order entered in this case.

Plaintiff reserves the right to update, supplement, revise, or otherwise modify this disclosure in light of further investigation and discovery, including evidence not yet produced by Defendants.

**Group 1**

6:20-cv-00480-ADA, U.S. Patent No. 7,539,133

- WSOU does not disclose any extrinsic evidence at this time.

6:20-cv-00481-ADA, U.S. Patent No. 9,164,800

- WSOU does not disclose any extrinsic evidence at this time.

6:20-cv-00485-ADA, U.S. Patent No. 7,636,309

- WSOU does not disclose any extrinsic evidence at this time.

6:20-cv-00486-ADA, U.S. Patent No. 7,092,360

- WSOU does not disclose any extrinsic evidence at this time.

**Group 2**

6:20-cv-00473-ADA, U.S. Patent No. 9,137,144

- WSOU does not disclose any extrinsic evidence at this time.

6:20-cv-00478-ADA, U.S. Patent No. 7,126,921

- WSOU does not disclose any extrinsic evidence at this time.

**Group 3**

6:20-cv-00477-ADA, U.S. Patent No. 8,913,489

- WSOU does not disclose any extrinsic evidence at this time.

6:20-cv-00482-ADA, U.S. Patent No. 7,424,020

- WSOU does not disclose any extrinsic evidence at this time.

**Group 4**

6:20-cv-00474-ADA, U.S. Patent No. 7,212,536

- WSOU does not disclose any extrinsic evidence at this time.

6:20-cv-00475-ADA, U.S. Patent No. 7,453,888

- WSOU does not disclose any extrinsic evidence at this time.

6:20-cv-00476-ADA, U.S. Patent No. 7,565,435

- IEEE std. 802.IQ-2003
- IEEE std. 802.1s-2002
- ANSI/IEEE Std. 802.1D, 1998

- IEEE Std. 802.1w-2001
- ISO/IEC 7498-1:1994

6:20-cv-00479-ADA, U.S. Patent No. 8,402,129

- WSOU does not disclose any extrinsic evidence at this time.

Dated: January 27, 2021

Respectfully submitted,

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*Counsel for Plaintiff WSOU Investments, LLC*

**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing instrument was served or delivered electronically to all counsel of record via email on January 27, 2021.

/s/ Ryan S. Loveless  
Ryan S. Loveless

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a BRAZOS  
LICENSING AND DEVELOPMENT,

Plaintiff,

v.

DELL TECHNOLOGIES INC., DELL INC.,  
AND EMC CORPORATION,

Defendants.

Case No. 6:20-cv-00473-ADA

Case No. 6:20-cv-00474-ADA

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Case No. 6:20-cv-00477-ADA

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Case No. 6:20-cv-00479-ADA

Case No. 6:20-cv-00482-ADA

**JURY TRIAL DEMANDED**

**DEFENDANTS' IDENTIFICATION OF EXTRINSIC EVIDENCE**

Pursuant to the Court's Scheduling Order,<sup>1</sup> Defendants Dell Technologies Inc., Dell Inc., and EMC Corporation, (collectively, "Defendants") hereby serves their Identification of Extrinsic Evidence in support of their January 20, 2021 Preliminary Proposed Claim Constructions.

By identifying extrinsic evidence below, Defendants do not concede that the cited material is necessary to construe the disputed claim term or that it is probative of the proper claim construction. Defendants reserve the right to rely on any evidence identified by Plaintiff in this case. In addition, Defendants may rely on one or more of the prior art systems or state of the art references identified in its invalidity contentions. Defendants may also rely on any references cited within the specifications of U.S. Patent Nos. 7,126,921; 7,212,536; 7,424,020; 7,453,888;

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<sup>1</sup> See No. 6:20-cv-00473-ADA, D.I. 50; No. 6:20-cv-00474-ADA, D.I. 55; No. 6:20-cv-00475-ADA, D.I. 56; No. 6:20-cv-00476-ADA, D.I. 50; No. 6:20-cv-00477-ADA, D.I. 53; No. 6:20-cv-00478-ADA, D.I. 57; No. 6:20-cv-00479-ADA, D.I. 54; No. 6:20-cv-00482-ADA, D.I. 53.

7,565,435; 8,402,129; 8,913,489; and/or 9,137,144 (collectively, the “Asserted Patents”), or identified during prosecution of the Asserted Patents.

In accordance with the Scheduling Order, Defendants have produced extrinsic evidence and other materials in support of its preliminary constructions. *See* DELL-WSOU-CC\_000001 – DELL-WSOU-CC\_000524.

Defendants reserve the right to rely on expert testimony for the claim terms and proposed constructions, including the level of skill of a person of ordinary skill in the art, and how one of ordinary skill in the art would interpret the terms. Defendants may additionally rely on expert testimony to rebut Plaintiff’s proposed meanings, expert testimony, or other evidence offered by Plaintiff in support of its proposed claim constructions. Defendants also reserve the right to provide relevant background testimony in response or rebuttal to any expert testimony or arguments that Plaintiff advances in support of its claim constructions.

Finally, Defendants reserve the right to amend this Identification of Extrinsic Evidence, as well as their proposed constructions, as additional information becomes available during discovery and the parties’ meet and confers, and after further analysis is conducted. Defendants reserve the right to rely on any future amendments or supplements to Plaintiff’s infringement contentions, particularly to the extent those statements may contradict the claim construction positions and arguments that Plaintiff may advance to the Court now. Defendants also reserve the right to amend their constructions and/or identify additional claim terms for construction in view of any proposed constructions presented by Plaintiff (or changes thereto), and to the extent necessary if the parties are unable to reach agreement regarding constructions proposed by either party.

Dated: January 27, 2021

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**Certificate of Service**

I hereby certify that on January 27, 2021, the foregoing document has been served by electronic mail on all counsel of record.

/s/ Russell Shapiro

Russell Shapiro



**IDENTIFICATION OF EXTRINSIC EVIDENCE****A. '536 Patent**

<b>Claim Term, Clause, or Phrase</b>	<b>Claim(s)</b>	<b>Defendants' Extrinsic Evidence</b>
"bridge"	1, 12	<p>Dictionary of Networking (2000) at 51.</p> <p>ATIS Glossary at Bridge.</p> <p>Data and Computer Communications, Stallings (1991) at 472.</p> <p>Computer Networks, Tanenbaum (1996) at 304-05.</p> <p>Concise Telecom Networking Dictionary (2000) at 35-36.</p> <p>Internetworking, Miller (1991) at 15-16.</p> <p>TCP/IP and Related Protocols, Black (1992) at 35.</p> <p>Federal Standard 1037C: Telecommunications: Glossary of Telecommunications Terms (1996), "bridge."</p> <p>Telecommunications Industry Association's Glossary of Telecommunication terms, "bridge."</p> <p>'489 Patent at 5:3-12.</p> <p>'129 Patent at 2:20-31.</p> <p>'020 Patent at 2:26-36.</p>
"channel in a connection-based network"	1, 12	<p>Dictionary of Networking (2000) at 51.</p> <p>ATIS Glossary at Bridge.</p> <p>Data and Computer Communications, Stallings (1991) at 472.</p> <p>Computer Networks, Tanenbaum (1996) at 304-05.</p> <p>Concise Telecom Networking Dictionary (2000) at 35-36.</p> <p>Internetworking, Miller (1991) at 15-16.</p> <p>TCP/IP and Related Protocols, Black (1992) at 35.</p> <p>Federal Standard 1037C: Glossary of Telecommunications Terms (1996), "bridge."</p> <p>Telecommunications Industry Association's Glossary of Telecommunication terms, "bridge."</p> <p>'489 Patent at 5:3-12.</p> <p>'129 Patent at 2:20-31.</p> <p>'020 Patent at 2:26-36.</p>

**B. '020 Patent**

<b>Claim Term, Clause, or Phrase</b>	<b>Claim(s)</b>	<b>Defendants' Extrinsic Evidence</b>
"bus system"	1, 6	ATIS Glossary at "bus topology." Concise Telecom Networking Dictionary (2000) at 38. Federal Standard 1037C: Telecommunications: Glossary of Telecommunications Terms (1996), "bus topology."

**C. '144 Patent**

<b>Claim Term, Clause, or Phrase</b>	<b>Claim(s)</b>	<b>Defendants' Extrinsic Evidence</b>
"contiguous communication path"	1, 11, 14	Newton's Telecom Dictionary (2001) at 322.